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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,073	07/26/2001	Anthony J. Ticknor	A064	7964

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EXAMINER

NASRI, JAVAID H

ART UNIT PAPER NUMBER

2839

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,073

Applicant(s)

TICKNOR, ANTHONY J. 

Examiner

Javaid Nasri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-22 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Per specification page 10, lines 1-5, the intersection angles 140a, 140b and 140c are set to about between 70 and 90 degrees. But looking at figure 5, angles 140a, 140b and 140c cannot be less than 90 degrees. See mark up attached. Note: angles 150a, 150b and 150c can be between 70 and 90 degrees.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 7-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue et al. (cited in the IDS).

Inoue et al discloses (see figure 33), at least one waveguide (301, 303, 307) extending axially between first and second end, each waveguide having a center point centrally located between the first and second ends and a waveplate (505) intersecting the at least one waveguide at an intersection spaced from the center point, intersecting angle between 70 and 90 degrees, a first distance, second waveguide, second distance, first and second distances are equal, the waveplate

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intersects the first portions of the waveguides, first and second lines are parallel, curvilinear portions, angle between 80 and 85 degrees, arrayed waveguide grating planer lightwave circuit, half waveplate.

4. Claims 1, 3-5, 11, 13-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (cited in the IDS).

Ando et al discloses (see figure 22), at least one waveguide (6, 7) extending axially between first and second end, each waveguide having a center point centrally located between the first and second ends and a waveplate (3) intersecting the at least one waveguide at an intersection spaced from the center point, a first distance, second waveguide, second distance, first and second distances are equal, the waveplate intersects the first portions of the waveguides, first and second lines are parallel, curvilinear portions, arrayed waveguide grating planer lightwave circuit, half waveplate.

5. Claims 1, 3-5, 11, 13-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0818 695 A2. (cited in the IDS).

EP 0818 695 A2 discloses (see figure 21), at least one waveguide (20, 21) extending axially between first and second end, each waveguide having a center point centrally located between the first and second ends and a waveplate (27) intersecting the at least one waveguide at an intersection spaced from the center point, a first distance, second waveguide, second distance, first and second distances are equal, the waveplate intersects the first portions of the waveguides, first and second lines are parallel, curvilinear portions, arrayed waveguide grating planer lightwave circuit, half waveplate.

Allowable Subject Matter

6. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

7. The following is an examiner's statement of reasons for allowance:

The reason for allowance of the claims is the inclusion of the limitation,

- a) having an input and output lenses to provide light to the first end and to receive light from the second end of the waveguides respectively, in combination with other limitations in the claim which is not found in the prior art reference of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Contact

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 703 308 5876. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 703 308 2710. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 7722 for regular communications and 703 308 7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.


Javaid Nasri
Primary Examiner
Art Unit 2839

JN
jhn
May 6, 2003

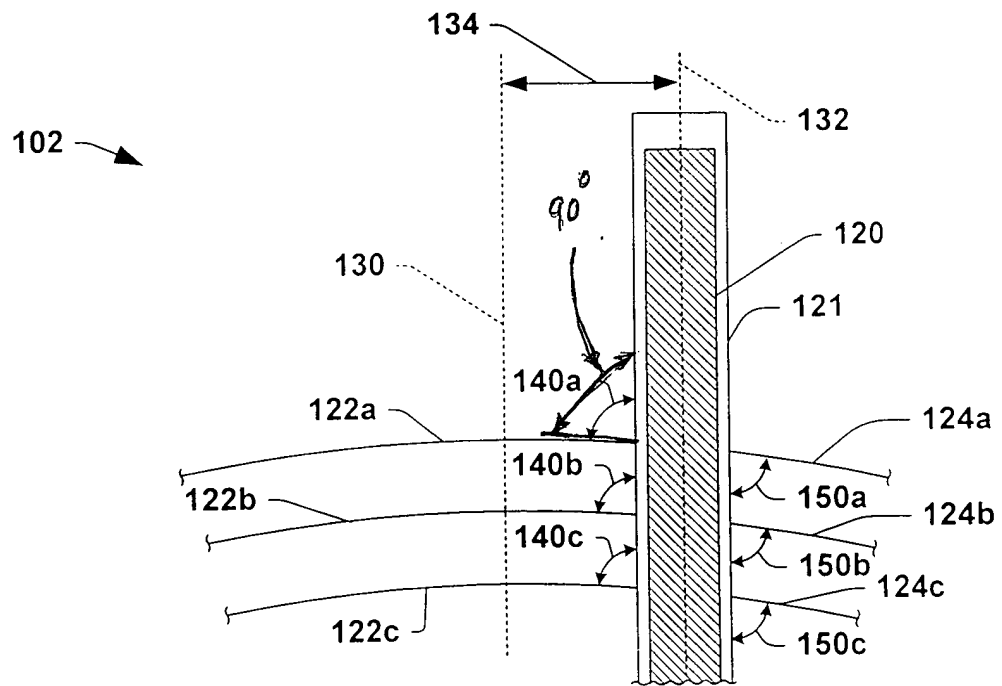


FIG. 5

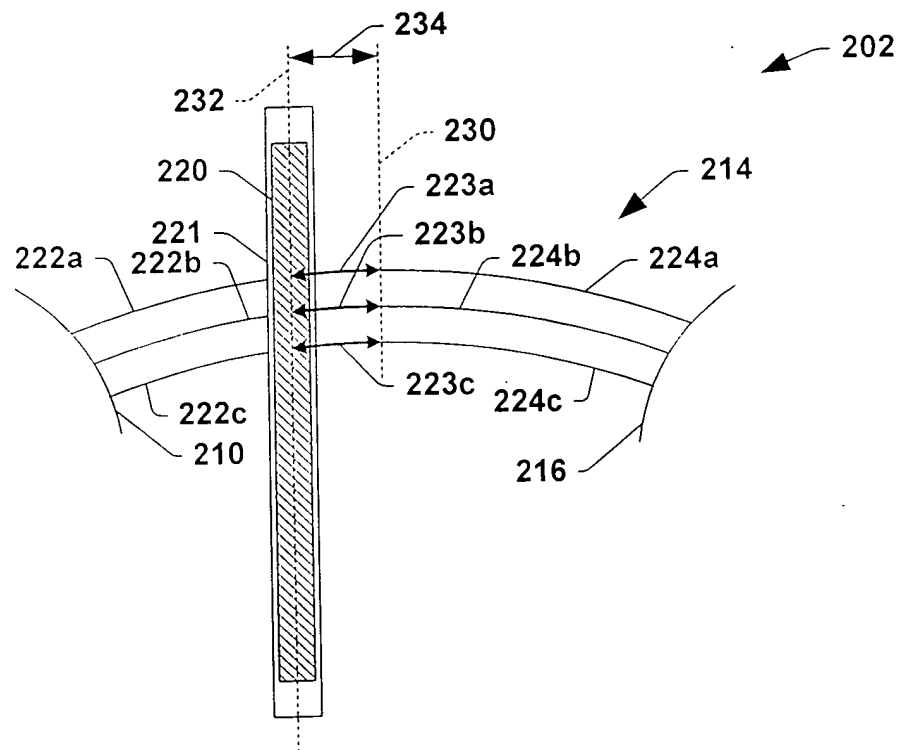


FIG. 6